

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARC WEILL, TOM GROOS and JOSH COHEN,

Plaintiffs,

07 Civ. 6246 (BSJ)

— against —

EARTH BIOFUELS, INC.,

Defendant.

**NOTICE OF DISMISSAL  
PURSUANT TO RULE  
41(a)**

PLEASE TAKE NOTICE that, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, Plaintiffs Marc Weill, Tom Groos and Josh Cohen, by and through their attorneys, Emery Celli Brinckerhoff & Abady LLP, hereby voluntarily dismiss the above-referenced action without prejudice.

Dated: New York, New York  
January 22, 2008

EMERY CELLI BRINCKERHOFF  
& ABADY LLP

By: \_\_\_\_\_ /s/  
Sarah Netburn (SN 4223)

75 Rockefeller Plaza  
New York, New York 10038  
(212) 763-5000

*Attorneys for Plaintiffs*

SO ORDERED *Barbara S. Jones*  
Dated: *2/5/08*  
BARBARA S. JONES  
U.S.D.J.

*2/5/08*